

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

Judy Jenkins and Kevin Jenkins,)	Case No.: <u>0:21-cv-01562-CMC</u>
)	(Formerly C/A No.: 2021CP2900573)
)	
Plaintiffs,)	
)	
v.)	
)	NOTICE OF REMOVAL
Autobell Car Wash, Inc.,)	
)	
)	
Defendant.)	

TO: THE UNITED STATES DISTRICT COURT COURT:

Defendant, Autobell Car Wash, Inc., would respectfully show the Court in support of its Notice of Removal that:

1. The Summons and Complaint in this action were filed on May 4, 2021 in the Court of Common Pleas for Lancaster County, South Carolina. Attached for the Court are copies of Plaintiffs' Summons and Complaint. The Complaint is the first pleading served upon the Defendant in this action and service was affected on May 5, 2021. Therefore, removal is timely under 28 U.S.C. §1446(b).

2. The United States District Court has jurisdiction over this action pursuant to 28 U.S.C. §1332. The Plaintiff are residents and citizen of the State of South Carolina; Defendant Autobell Car Wash, Inc. is incorporated pursuant to the laws of the State of North Carolina and has its principal place of business in the State of North Carolina. The action has been brought by the Plaintiffs against the Defendant for the alleged accident which occurred in Lancaster County, South Carolina.

3. Venue is proper in this matter in the Division of this Court in accordance with 28 U.S.C. §1441(a).

4. Upon information and belief, the amount in controversy in this matter exceeds \$75,000.00 as Plaintiffs specifically aver in their Complaint that their damages exceed \$100,000.00 (See Compl., prayer for relief.) As an additional and related sustaining ground for removal, Defendant notes that Plaintiff Judy Jenkins asserts a negligence claim against Defendant and Plaintiff Kevin Jenkins asserts a loss of consortium claim against Defendant. (See, e.g., Compl. at ¶¶ 25-36, 37-40.) Plaintiff Judy Jenkins alleges that she sustained a “severe break of her right femur,” and that she is still under medical care. (See Compl. at ¶¶ 14-16.) Plaintiff Judy Jenkins further alleges that she has sustained “permanent injuries which will continue to cause her pain, suffering, and discomfort, and may require future medical treatment,” and that she has “incurred numerous doctor bills and bills for other medical attention and treatment.” (Compl. at ¶ 34, 35.) Plaintiff Kevin Jenkins alleges loss of martial services, marital intimacy, etc. as a result of the injuries allegedly sustained by his wife, Plaintiff Judy Jenkins. (See Compl. at ¶ 40.)

5. Defendant has filed an Answer to the Complaint in the Court of Common Pleas, County of Lancaster; a copy of Defendant’s Answer to the Plaintiffs’ Complaint is also filed herewith.

6. Defendant has furnished a copy of this Notice of Removal to the Clerk of Court for Lancaster County.

Signature block on following page.

Respectfully submitted,

SWEENEY, WINGATE & BARROW, P.A.

s/Aaron J. Hayes

Mark S. Barrow Fed. I.D. No. 1220

Aaron J. Hayes Fed. I.D. No. 11196

Sweeny, Wingate & Barrow, P.A.

Post Office Box 12129

Columbia, SC 29211

(803) 256-2233

ATTORNEYS FOR THE DEFENDANT

Columbia, South Carolina

May 26, 2021